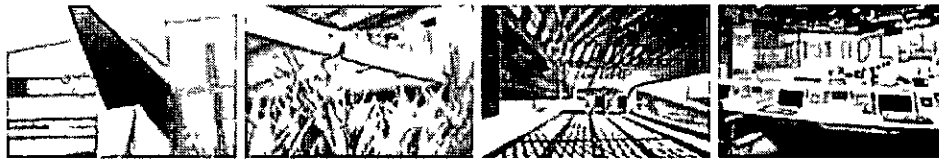


# A U S T I N C I T Y C O U N C I L

## AGENDA



Thursday, November 30, 2006

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### Austin Energy RECOMMENDATION FOR COUNCIL ACTION

**ITEM No 4**

**Subject** Approve an ordinance amending Chapter 6-1 of the City Code regarding vehicle idling to conform with a change in State law

**Fiscal Note** There is no unanticipated fiscal impact. A fiscal note is not required.

#### Additional Backup Material

(click to open)

- ☐ Draft\_Ordinance
- ☐ EUC Action\_Notes

**For More Information** Ester Matthews, Director, Local Government Issues, 322-6041, Fred Blood, 482-5340

**Boards and Commission Action** Recommended by the Electric Utility Commission

**Prior Council Action** 12/24/2003- Approve the Clean Air Action Plan - reduction of vehicle idling, 6/23/2005 - Execute MOA between COA and TCEQ for implementation of heavy-duty vehicle idling limitations, 9/1/2005 - Passed ordinance adding chapter 6-1, Article 3, related to vehicle idling

The City of Austin entered into a Memorandum of Agreement (MOA) in July 2005 for the purpose of delegating rule enforcement from the Texas Commission on Environmental Quality (TCEQ) to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of rules into the State Implementation Plan (SIP). In September of 2005, The City Council amended the City Code to include vehicle idling provisions. Violation of the rule is a "Class C" misdemeanor, with a complaint driven process. After the City Council action, the State regulations changed regarding sleeper berths and state mandated rest-periods for heavy-duty truck drivers. This amendment brings City Code in line with the State regulations.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 6-1-51 AND 6-1-52 OF THE CITY CODE RELATING TO VEHICLE IDLING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1** Section 6-1-51 (*Idling Prohibited*) of the City Code is amended as follows

- (A) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion
- (B) No driver using the vehicle's sleeper berth may idle the vehicle in a school zone or within 1,000 feet of a public school during its hours of operation  
This subsection expires September 1, 2007

**PART 2.** Section 6-5-52 (*Exemptions*) is amended as follows

The restriction in Section 6-1-51 (*Idling Prohibited*) does not apply to

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, and if before September 1, 2007, does not have a sleeper berth,
- (2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control,
- (3) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle,
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, not including propulsion, and/or passenger compartment heating, or air conditioning,
- (5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes,
- (6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield,

- (7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in ~~[these]~~ vehicles intended for commercial or public passenger transportation or passenger transit operations, ~~[school buses]~~ in which case idling up to a maximum of 30 minutes is allowed,
- (8) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using a vehicle to perform an essential job function related to roadway construction or maintenance ~~[for passenger transit operations in which case idling up to a maximum of 30 minutes is allowed]~~,
- (9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment, ~~or~~
- (10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner, ~~or~~[-]
- (11) before September 1, 2007, a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006

**PASSED AND APPROVED**

\_\_\_\_\_, 2006      §  
   §  
   §  
   §  
\_\_\_\_\_, 2006      §  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A Gentry  
City Clerk



**Electric Utility Commission**  
October 16, 2006  
Meeting

Approve an ordinance amending Chapter 6-1 of the City Code regarding vehicle idling to conform the City Code with a change in Texas State law

Motion by Fath

Seconded by Wolfe

Ayes Alvarez, Fath, Knaupe, Sessa, Schmandt, Shaw, Weston, and Wolfe

Nays NONE

Abstaining NONE

Off the dais NONE

Absent NONE

The Commission approved this item, 8-0